

DONNELLY CLARK
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Attorneys for Defendants, Trump Entertainment Resorts, Trump Taj Mahal
Associates, LLC and John M. Donnelly, Esquire

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Maryanne Klemmer, Bruce Pearlman
and Gerald Florio,

Plaintiffs,

v.

Trump Entertainment Resorts (a
Delaware Corporation), Trump Taj
Mahal Associates, LLC (a New Jersey
Corporation), John M. Donnelly, Esquire,
John Doe Decision-makers (Plural 1-10)
and John Doe Individuals Who Secretly
Recorded Plaintiffs (Plural 1-10),

Defendants,

CIVIL ACTION NO.:

RECEIVED
AUG 25 2014
AT 8:30
M
WILLIAM T. WALSH CLERK

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION

ATLANTIC COUNTY

DOCKET NO. ATL-L-5030-14

Civil Action

NOTICE OF REMOVAL

TO: United States District Court
DISTRICT OF NEW JERSEY
Mitchell H. Cohen U.S. Courthouse
1 John F. Gerry Plaza
Camden, NJ 08101

Richard Press, Esq.
23 East Black Horse Pike
Pleasantville, NJ 08232

Defendants hereby file this Notice of Removal of the above captioned matter
from the Superior Court of New Jersey, Atlantic County, Law Division to the
United States District Court for the District of New Jersey.

Please take further notice that in support of this Notice of Removal Defendants
hereby state as follows:

Case Background and Foundation for Removal

1. On August 6, 2014 all of the Defendants, except for Mr. Donnelly were served with a Complaint and Jury Demand regarding the termination of

Plaintiffs by Trump Taj Mahal Associates, LLC (misidentified as a “New Jersey Corporation”); On August 11, 2014, Mr. Donnelly was served. A true and correct copy of the Complaint noting the dates same was served is attached hereto and made a part hereof as **Exhibit A**.

2. The Complaint was filed in the New Jersey Superior Court, Atlantic County.
3. In Paragraph 12, p.6 of the Complaint, Plaintiffs allege that certain conduct of the Defendants “violates. . . . the anti-retaliation provisions of Title VII of the Civil Rights Act of 1964”.
4. In Paragraph 15, p.7 of the Complaint, Plaintiffs assert that “as a result of the conduct of the Defendants. . . . Plaintiffs assert that the Taj Defendants terminated them in violation of Title VII of the Civil Rights Act” of the United States of America as follows:

“Plaintiffs assert in this Count that the Taj Defendants terminated them in violation of the anti-retaliation rules as set forth in the New Jersey Law Against Discrimination, Title VII of the Civil Rights Act, Taj Policies and Procedures and Casino Control Commission Rules and Regulations.”

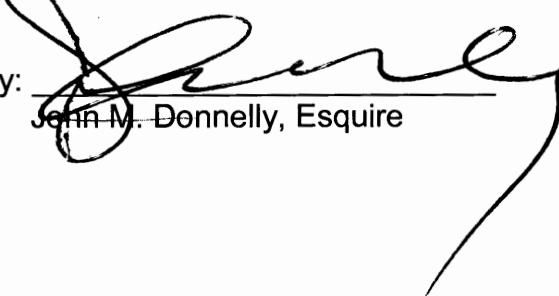
5. Despite the “assertion” of the violation of Title VII of the Civil Rights Act in the WHEREFORE clause Count One, Plaintiff only mentions the “New Jersey Law Against Discrimination”.
6. Notwithstanding the failure to reference the Title VII in the WHEREFORE clause, Paragraphs 13 and 15 make it clear that Plaintiffs are “asserting a violation” of federal law.
7. The Court has original jurisdiction over this matter pursuant to 28 USC § 1332 and 1441 (“federal question”) and other federal statutes
8. The venue is proper in this Court as a state court action is pending in Atlantic County, New Jersey. See 28 USC §1441(a).
9. This Notice of Removal is timely filed pursuant to 28 USC §1446 and other federal statutes.
10. This Notice of Removal is being served on Plaintiff’s counsel by certified mail, return receipt requested and ordinary mail.
11. A Notice of Filing of a Notice of Removal to Federal Court (attached as **Exhibit B**) will be filed with the New Jersey Superior Court, Atlantic County as soon as a Notice of Removal has been filed with this court.

12. There is no hearing pending before the state court at this time and all pleadings received in the Complaint are attached hereto as **Exhibit A**.

A proposed form of Order is submitted herewith.

DONNELLY CLARK
Attorneys for Defendants

By:


John M. Donnelly, Esquire

Dated: August 22, 2014.

DONNELLY CLARK
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ORDER

This matter having been opened to the Court by Donnelly Clark attorneys for Defendants, Trump Entertainment Resorts, Trump Taj Mahal Associates, LLC and John M. Donnelly, Esquire for an Order removing the above captioned matter from the Superior Court of New Jersey, Atlantic County and transferring to the United States District Court for the District of New Jersey and the Court having considered the Notice of Removal submitted in support thereof, and for good cause shown,

IT IS on this _____ day of _____, 2014,

ORDERED that this action be and hereby is removed from the Superior Court of New Jersey, Atlantic County and transferred to the United States District Court for the District of New Jersey.
